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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,148	10/31/2003	Daniel Paul Karipides	T00105	1477
33438	7590	08/10/2009	EXAMINER	
HAMILTON & TERRILE, LLP			JEANTY, ROMAIN	
P.O. BOX 203518			ART UNIT	PAPER NUMBER
AUSTIN, TX 78720			3624	
NOTIFICATION DATE		DELIVERY MODE		
08/10/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tmunoz@hamiltonterrile.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/699,148	KARIPIDES, DANIEL PAUL
	<b>Examiner</b> Romain Jeanty	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 January 2009.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-441 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-44 is/are rejected.  
 7) Claim(s) 13 and 31 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Amendment**

1. This Final Office Action is in response to the Amendment filed April 23, 2009. In the amendment, no claims were amended nor added. Claims 1-44 are pending in the application.

***Response to Arguments***

2. Applicant's arguments filed April 23, 2009 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12, 14-30, 32-44 are rejected under 35 U.S.C. 103(a) as being anticipated by Herz et al (U.S. Patent No. 5,754,938).

Regarding claims 1, 5-7, 11-12, 14-17, 23-30, 32-34, and 41-44, Herz et al discloses a system and method for assisting customer service and identifying sales targets. In so doing, Herz et al discloses developing a set of master session profiles (col. 20, line 25-65), processing at least a subset of user session data to evaluate the

user session data using the master session profiles (i.e., measuring the user session profile; col. 25, lines 10-65), determining product demand from the evaluation (col. 51 line 64 through col. 65 line 20).

Regarding claim 2, Herz further discloses wherein the product demand includes information regarding the demand of one or more features of a product (col. 20, line 25-65).

Regarding claim 3, Herz et al disclose wherein the product demand indicators include values of data types (col. 20, line 25-65).

Regarding claim 4, Herz further disclose a set of master session profiles comprises

Developing a set of master session profiles from recorded data associated with users who either submitted a product lead or purchased a product (col. 11, lines 1-30).

Regarding claim 8, Herz et al further discloses wherein evaluating user session data using the master session profiles comprises matching at least a subset of the product demand indicators present in a user session with product demand indicators in the master session profiles (col. 7, lines 2-8).

Regarding claim 9, 20-23, 35-40, Herz et al further discloses assigning an indicator reflecting the product demand authenticity of each user session that is matched with the master session profiles col. 10, lines 49-54).

Regarding claim 10, Herz et al further discloses evaluations comprises associating product demand evaluations with specific products, weighting evaluations in accordance with a product demand authenticity indicator, and comparing the weighted

evaluations of users sessions selecting a particular product against a total set of weighted evaluations of user sessions (col. 21, lines 21-32).

Regarding claim 11, Herz further discloses wherein the user session data includes data types associated with each users navigation of the network site during configuration of a product (col. 7, lines 9-60).

Regarding claim 12, Herz et al further disclose processing the user session data in accordance with a decision tree using data from the master session profiles as decision criteria (col. 26, line 41 through col. 27, line 40).

Claims 14-25 recite the same limitations of claim 1-12 above; therefore claims 14-25 are rejected under the same rationale relied upon of claims 14-25.

Claims 26-20 recite the same limitations of claim 1-12 above; therefore claims 14-25 are rejected under the same rationale relied upon of claims 14-25. In addition, Herz further discloses a second module for collecting a second set of user session and matching the second set of user session with a master profile set to determine product demand. Note col. 6, lines 32-58 of Herz.

#### **Allowable Subject Matter**

5. Claims 13 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Remarks**

6. Applicants asserted that Herz does not teach the present invention. Applicants further supported their assertion by arguing that Herz fails to teach a master session profile. The examiner respectfully disagrees. Herz teaches creating a profile of, developing and using profile of the user. Herz further discloses collecting the vector values of the textual attribute, for all target objects known to the system, and applying singular value decomposition to the resulting collection. Note col. 7, lines 9-43; col. 11, lines 34-46).

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

August 3, 2009

/Romain Jeanty/  
Primary Examiner, Art Unit 3624